that the second sentence of this proposed constitutional amendment is unnecessarily vague and could well trample on the rights of the several States of our great Republic.

I yield the floor.

EXHIBIT 1

MARRIAGE PROTECTION AMENDMENT

S.J. RES. 1

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

	Redefinition of Marriage	Creation of "Civil Unions" or "Domestic Partnerships"	Granting the Rights or Benefits of Marriage	Employee Benefits Offered by Private Businesses
State or federal courts can impose?	Sentence 1 prohibits.	Sentence 2 prohibits.	Sentence 2 prohibits.	Unaffected.
Legislature can make change?	Sentence 1 prohibits.	Decision of State Legislature.	Decision of Legislature.	Unaffected.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m. today.

Whereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

MARRIAGE PROTECTION AMENDMENT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time is divided equally until 2:30.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am proud to be an original cosponsor of S.J. Res. 1, the Marriage Protection Amendment.

I have heard people say that perhaps this issue should be left to the States. As a general rule, you will not find anyone who is a stronger supporter of States rights than I am. But this is a national issue the definition of marriage is and has been a national issue.

A May 22 Gallup Poll shows that a solid majority of Americans—58 percent—are opposed to granting gay marriages the same legal rights as traditional marriages. Additionally, same-sex couples are traveling across State lines to get married; as they do so, they will become entangled in the legal systems of other States, due to the full faith and credit clause of the U.S. Constitution. A State-by-State approach to gay marriage will be a logistical and legal mess that will force the Federal courts to intervene and require all states to recognize same-sex marriages. This is the only possible outcome.

The definition of marriage must be addressed, and it must be addressed now. The homosexual marriage lobby, as well as the polygamist lobby, shares the goal of essentially breaking down all State-regulated marriage requirements to just one: consent. In doing so, they are paving the way for legal protection of such repugnant practices as: homosexual marriage, unrestricted sexual conduct between adults and children, group marriage, incest, and bestiality. Using this philosophy, activist lawyers and judges are working quickly, State-by-State, through the courts to force same-sex marriage and other practices, such as polygamy, on our country.

In 1878, Reynolds v. United States, which upheld the constitutionality of Congress's antipolygamy laws, recognized that the one-man, one-woman family structure is a crucial foundational element of the American democratic society, and thus there is a compelling governmental interest in its preservation.

The eroding of State common-law marriage requirements comes with a price—If we can remove the opposite-sex requirement today, then what would keep us from removing the one-at-a-time requirement, or legal-age requirement tomorrow? In June of 2003, the U.S. Supreme Court signaled its likely support for same-sex marriage and Federal jurisdiction over the issue when it struck down a sodomy ban in Lawrence v. Texas.

The majority opinion extended the reach of due process and the 14th amendment of the U.S. Constitution to protect:

. . . personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education,'' and then declared that ''[p]ersons in a homosexual relationship may seek autonomy for these purposes, just as heterosexual persons do.

In his dissent to Lawrence v. Texas, Justice Scalia pointedly cautioned:

This reasoning leaves on pretty shaky grounds state laws limiting marriage to opposite-sex couples . . .

Additionally, there is a case pending in the Tenth Circuit where the petitioners are using the homosexual marriage lobby's success in Lawrence v. Texas to bolster their claim to a ''right'' to polygamous conduct and marriage.

Not only are Federal courts ruling in favor of such marriages, State courts are, too. In 2004, the Massachusetts Supreme Court ruled that same-sex couples could marry. The State's high court ruling clearly ignored tradition—even its own State legislature.

Massachusetts Governor Mitt Romney, in his testimony on June 22, 2004, before the Senate Judiciary Committee, stated:

We need an amendment that restores and protects our societal definition of marriage, [and] blocks judges from changing that definition.

Not only has the Massachusetts court ruling affected that State, it has and will continue to open the floodgate of similar decisions by other State courts across the country.

Lawsuits are now pending in nine States, including my State of Oklahoma, asking the courts to declare that traditional marriage laws are unconstitutional. Same-sex couples from at least 46 States have received marriage licenses in Massachusetts, California, and Oregon and have returned to their home States. Many of these couples are now suing to overturn their home State's marriage laws. Unfortunately, using the equal protection and due process clauses in the U.S. Constitution, State and Federal courts have begun to strike down both the Federal and State Defense Of Marriage Act, DOMA, laws, which define marriage as between a man and a woman. The judicial branch is making this a Federal issue by stripping the power from the people's elected legislatures and forcing recognition of same-sex marriages.

Today, 45 States, such as Oklahoma, have statutory and/or constitutional protection for traditional marriage. On average, State constitutional amendments have passed with more than 71 percent of the vote, including with 76 percent in Oklahoma.

In societies where marriage has been redefined, potential parents become less likely to marry and out-of-wedlock births increase. According to Stanley Kurtz's 2004 article in the Weekly Standard, a majority of children in Sweden and Norway are born out of wedlock. Kurtz says:

Sixty percent of first-born children in Denmark have unmarried parents—not coincidentally, these countries have had something close to full gay marriage for a decade or more.

Just last month, May, in a National Review Online article, Stanley Kurtz again addresses the issue saying:

Europe's most influential sociologists are saying much the same things: Same-sex marriage doesn't reinforce marriage; instead, it upends marriage, and helps build acceptance for a host of other mutually reinforcing changes (like single parenting, parental cohabitation, and multi-partner unions) that only serve to weaken marriage.

In fact, liberal German sociologists, Ulrich Beck and Elisabeth Beck-Gernsheim, have openly and honestly expressed their eagerness to expand the welfare state and destroy the traditional family.

As Kurtz puts it, they want ''the government to subsidize the new, 'experimental' forms of family that emerge in the aftermath of the traditional family's collapse.''

When this issue was on the floor 2 years ago, many of my conservative colleagues made statements and observations that sufficiently framed this debate.

Senator ALLARD, the sponsor of this amendment, believes our Founding Fathers never envisioned that we would be changing the very structure of marriage and that we would be changing this core structure of society when he said:

We are in danger of losing a several-thousand-year-old tradition, one that has been vital to the survival of civilization itself.